

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x Case No. 21-cv-6667
NICOLE VERGARA and BELLA 77 CORP. : (KAM)

Plaintiffs, :
: :
-against- :
: : **ORDER TO SHOW CAUSE**
TOWN OF BABYLON, NY, et. al.

Defendants. :
: :
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Upon the Motion for a Temporary Restraining Order, and a Preliminary and Permanent Injunction, the Affidavit of Nicole Vergara and Richard Rosenthal, and upon the copy of the complaint hereto attached it is:

ORDERED, that personal service on all named Defendants of a copy of this Order, the December 1, 2021, Motion for Temporary Restraining Order and Injunctive Relief, the Declaration of Nicole Vergara, the Declaration of Richard Rosenthal, the accompanying Memorandum of Law, and of the Summons and Complaint on or before **12:00 PM**, **Thursday, December 2, 2021**, shall be deemed good and sufficient service thereof upon the Defendants, provided Plaintiffs file a declaration of service on **December 2, 2021**.

ORDERED, that counsel for the above named Plaintiffs and Defendants appear with their clients for a hearing before this Court, at Courtroom 6C South, United States Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, County of Kings County, State of New York on **Friday, December 10, 2021 at 10:00 AM** thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:

(1) Granting a temporary restraining order under Fed. R. Civ. P. 65(b) requiring Defendants to fulfill their ministerial duty to issue Plaintiffs a Certificate of Occupancy forthwith, retroactive to October 11, 2021; or, in the alternative,

(2) Granting a preliminary injunction under Fed. R. Civ P. 65(c), after such a briefing and hearing that allows relief to be granted prior to, at the latest, December 17, 2021, that requires Defendants to fulfill their ministerial duty to issue Plaintiffs a Certificate of Occupancy forthwith, retroactive to October 11, 2021.

Counsel and their clients shall observe all COVID-19 protocols within the Courthouse and shall notify the Court via ECF by **12:00 PM on Wednesday, December 8, 2021**, whether they will present witness testimony at the hearing, and if so, they shall provide the names of all witnesses.

ORDERED, that Defendants shall respond to the Order to Show Cause via ECF by **Monday, December 6, 2021, at 9:00 AM**. Plaintiffs shall file a reply, if any, by **5:00 PM Tuesday, December 7, 2021**. All parties are required to deliver two bound courtesy copies to chambers ("courtesy copies") of all papers relating to Plaintiffs' motion for preliminary injunction/temporary restraining order, including but not limited to all related declarations, affidavits, exhibits, and memoranda of law. Courtesy copies should be sent via FedEx or messenger to Judge Matsumoto's chambers. Plaintiffs must deliver to chambers courtesy copies of all papers related to their motion for temporary restraining order and preliminary injunction by **12:00 PM, Thursday, December 2, 2021**. Defendants shall deliver courtesy copies of all papers related to their response to the Order to Show Cause by **12:00 PM, Monday, December 6, 2021**, and Plaintiffs shall deliver courtesy copies of all papers related to their reply by **9:00 AM, Wednesday, December 8, 2021**.

Date: December 1, 2021
Brooklyn, New York

/s/ Kiyo A. Matsumoto
United States District Judge